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 APPLICATION NO.
 FILING DATE
 FIRST NAMED INVENTOR
 ATTORNEY DOCKET NO.

 09/455, 152
 12/06/99
 KWEÜN
 \$ 1349.1021. MD

021171 STAAS & HALSEY LLP 700 11TH STREET, NW SUITE 500 WASHINGTON DC 20001

QM22/1106

EXAMINER TUGBANG, D

ART UNIT PAPER NUMBER

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

•		Application No.	Applicant(s)	
		09/455,152	KWEON ET AL.	
•	Office Action Summary	Examiner	Art Unit	
		Dexter Tugbang	3729	
- 1	The MAILING DATE of this communication ap			
- Exte after - If the - If NC - Failu - Any (earne Status	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period are to reply within the set or extended period for reply will, by statufferly received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a oly within the statutory minimum of thin will apply and will expire SIX (6) MOI to, cause the application to become Along date of this communication, even if	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this communication.	
1) 🗌	Responsive to communication(s) filed on	·		
2a) <u></u> ☐	This action is FINAL. 2b)⊠ T	his action is non-final.		
3) 🗌	Since this application is in condition for allow closed in accordance with the practice under	rance except for formal ma Ex parte Quayle, 1935 C.	tters, prosecution as to the merits is D. 11, 453 O.G. 213.	
Dispositi	on of Claims			
4) 🛛	Claim(s) 1-26 is/are pending in the applicatio	n.		
	4a) Of the above claim(s) is/are withdrawn from consideration.			
5) 🗌	Claim(s) is/are allowed.			
6) 🗌	Claim(s) is/are rejected.			
7)	Claim(s) is/are objected to.			
8)⊠	Claim(s) 1-26 are subject to restriction and/or	election requirement.		
Applicati	on Papers			
9)[The specification is objected to by the Examine	er.		
10) 🔲 🛚	Fhe drawing(s) filed on is/are: a)□ acce	pted or b)□ objected to by t	he Examiner.	
	Applicant may not request that any objection to th		•	
11) 🔲 7	The proposed drawing correction filed on			
	If approved, corrected drawings are required in re			
12) 🔲 🏻	he oath or declaration is objected to by the Ex	aminer.		
Priority u	nder 35 U.S.C. §§ 119 and 120			
13)🛛	Acknowledgment is made of a claim for foreigi	n priority under 35 U.S.C. §	§ 119(a)-(d) or (f).	
a)[∑	☑All b) ☐ Some * c) ☐ None of:			
	 Certified copies of the priority document 	s have been received.		
:	2. Certified copies of the priority documents have been received in Application No			
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
14) 🗌 A	cknowledgment is made of a claim for domesti	c priority under 35 U.S.C.	§ 119(e) (to a provisional application).	
a)	☐ The translation of the foreign language procknowledgment is made of a claim for domesti	visional application has be	en received.	
ttachment(· · · · · · · · · · · · · · · · · · ·	••	
) 🔲 Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Ir	notement (PTO-413) Paper No(s) Informal Patent Application (PTO-152)	
Patent and Tra O-326 (Rev.		tion Summary	Part of Paper No. 2	

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, drawn to forming a nozzle and jetting fluid chambers sequentially or separately in succession, on a nozzle plate in Claims 1-12 and 14;

Species B, drawn to forming a nozzle and jetting fluid chambers simultaneously, or at the same time, in Claim 20.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claims 13, 15-19 and 21-26 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Mr. Richard J. Stokey, on November 2, 2001, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday Friday 7:30 am 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3588 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Dexter Tugbang

Examiner Art Unit 3729

November 5, 2001